

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

HAROLD ERNEST SHIELDS, JR.,

Defendant.

Hon. Robert Holmes Bell

Case No. 1:15-cr-00178-RHB

ORDER

Defendant appeared before me on October 9, 2015, with retained counsel for a detention hearing under the Bail Reform Act of 1984, 18 U.S.C. § 3142(f). In this case, there is a statutory rebuttable presumption that no condition or combination of conditions will assure defendant's appearance and the safety of the community. That presumption arises from the fact that the grand jury found, as evident from Counts 3 through 6 of the indictment, probable cause that defendant has committed at least one offense under the Controlled Substances Act that is punishable by imprisonment for more than ten years. *See* 18 U.S.C. § 3142(e)(3)(A).

Having considered the evidence presented during the detention hearing, the information in the Pretrial Services Report, and the proffers of counsel, and for the reasons stated on the record, I find that defendant has rebutted the presumption relating to risk of flight, but that he has failed to rebut the presumption relating to danger to the community. Moreover, as explained on the record, I separately find that the government has proven by clear and convincing evidence that defendant is a

danger to the community. I also find that, even absent the rebuttable presumption, there is no condition or combination of conditions that will ensure the safety of the community.

Accordingly, **IT IS ORDERED** that defendant is committed to the custody of the Attorney General pending trial.

DONE AND ORDERED this 9th day of October, 2015.

/s/ Phillip J. Green
PHILLIP J. GREEN
United States Magistrate Judge